THE HON'BLE SRI JUSTICE C.Y. SOMAYAJULU

WRIT PETITION NO.21048 of 1996

Dated 26-09-2005

Between:

D. Nagalakshmi Reddy. ….Petitioner

and

The Commissioner, Endowment Department, Hyderabad,

and four others.

….Respondents

THE HON'BLE SRI JUSTICE C.Y. SOMAYAJULU

WRIT PETITION NO.21048 of 1996

ORDER:

When Ac.17-39 cents belonging to Eswara Swamy and Sri Anjaneya Swamy temples (Devastanam) was proposed to be assigned to the weaker sections of society, Chairman of Devalaya Bhooparirakshna Committee of Regadaguduru village filed W.P.No.19825 of 1996 and obtained orders of stay of that proposal. Thereafter, the Assistant Commissioner, Endowments, Kurnool (third respondent) in consultation with the District Collector, Kurnool (second respondent) and others seems to have come to a conclusion that it will be useful if the said land is leased out to S.C. Corporation, Kurnool, and are taking steps to lease out the said land to S.C. Corporation, Kurnool. Hence this petition questioning the action of respondents 2 to 4 to lease out the land of the Devastanam to S.C. Corporation, Kurnool.

The contention of the learned counsel for the petitioner is that respondents 2 to 4, in an attempt to circumvent the order of this Court in W.P.No.19825 of 1996, staying the allotment of the lands to the weaker sections of society, have thought it fit to grant a permanent lease of the land to S.C. Corporation, for a nominal rent, without putting the same to public auction and since the lands of the temple after the advent of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules 2003, have to be let out only in a public auction, the intended lease of the land of the Devastanam may not be permitted.

The learned Government Pleader for respondents reiterated the contentions raised in the counter-affidavit filed on behalf of the fourth respondent, the Executive Officer of Group of Temples, Velugode.

Since lands belonging to the Devastanam have to be let out only in public auction, action of the respondents in trying to let out the lands by private negotiations is not proper.

Hence this writ petition is disposed of with a direction to lease out the land belonging to Eswara Swamy and Sri Anjaneya Swamy temples as per rules in force but not by private negotiations. No costs.

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(C.Y. SOMAYAJULU, J)

Date:26-09-2005

ghn